

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

Plaintiff,

v.

AMENDED ORDER¹

STEVEN A. STEWART, et al.,

(*Ex Parte* Mot. Subpoenas – ECF No. 705)

Defendants.

This matter is before the court on Defendant Steven A. Stewart's *Ex Parte* Motion for Subpoena Duces Tecum (ECF No. 705). Having reviewed and considered the matter pursuant to Rule 17 of the Federal Rules of Criminal Procedure, the court finds that Mr. Stewart has met his burden of establishing the need for pretrial production of the materials described in the Motion. Although the court finds good cause for Stewart's Motion to remain *ex parte* and under seal, the Motion provides no justification for issuance of an *ex parte* subpoena giving him exclusive pretrial access to the documents he seeks. The court will therefore, direct issuance of subpoenas duces tecum directing the custodian of records for the two agencies to produce the designated items to the Clerk of the Court by December 23, 2016. Upon receipt of the documents, the Clerk shall notify counsel for the parties that the documents are available for inspection and copying.

Accordingly,

IT IS ORDERED:

1. Defendant Steven A. Stewart's *Ex Parte* Motion for Subpoena Duces Tecum (ECF No. 705) is GRANTED, and shall remain *ex parte* and under seal.

¹ This amendment corrects an administrative error in the original Order (ECF No. 865) that prevented the Motion from remaining *ex parte* and under seal. Accordingly, the court will direct the Clerk of the Court to seal the original (ECF No. 865).

2. The Clerk of the Court shall SEAL (ECF No. 865).
3. The Clerk of the Court shall issue a subpoena, conforming to the court's instructions herein, and deliver a copy of this Amended Order and the subpoena to the U.S. Marshal for service.
4. The custodians of records shall produce and forward records responsive to the subpoena by **December 23, 2016**, along with a copy of this Amended Order, to:

Clerk of Court
United States District Court for the District of Nevada
333 Las Vegas Blvd., South
Las Vegas, Nevada 89101
5. Upon receipt of the records, the Clerk of Court shall notify counsel for the parties that the documents are available for inspection and copying.
6. The cost of process, fees, and expenses for the subpoena shall be paid as if subpoenaed on behalf of the government, the Court being satisfied that Defendant Steven A. Stewart is financially unable to pay the fees and expenses.

Dated this 13th day of October, 2016.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE